

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKAASIM MCPHEE,  
Plaintiff,

v.

SGT. N. LAINO; STATE OF NEW YORK;  
ILESHEMA THOMAS; CURTIS EGLOFF;  
BRIAN COLLINS; LATANYA TAYLOR;  
JACQUELINE WEBBER; BRENDAN  
HABERIN; and MELISSA CUOMO,  
Defendants.

USDC SDNY
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DATE FILED:

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AMENDED ORDER OF  
SERVICE

22 CV 10095 (VB)

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti

7/6/23



On May 10, 2023, plaintiff, proceeding pro se and in forma pauperis, filed an amended complaint dated May 6, 2023, which added defendants the State of New York and John/Jane Doe 1–100. (Doc. #16).

By Order dated June 5, 2023, the Court directed plaintiff to file a second amended complaint, by July 5, 2023, adding the following defendants, who were newly identified by defense counsel: Corrections Officers Ileshma Thomas, Curtis Egloff, Brian Collins, Latanya Taylor, Jacqueline Webber, Brendan Haberin, and Melissa Cuomo. (Doc. #18).

On July 5, 2023, plaintiff filed a second amended complaint naming the newly identified Corrections Officers as defendants in this action. (Doc. #20).

Accordingly, it is hereby ORDERED:

1. Because plaintiff is proceeding in forma pauperis, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. The Clerk is instructed to fill out a U.S. Marshals Service Process Receipt and Return form for Corrections Officers Ileshma Thomas, Curtis Egloff, Brian Collins, Latanya Taylor, Jacqueline Webber, Brendan Haberin, and Melissa Cuomo, all with the address of Green Haven Correctional Facility, 594 Rt. 216, Stormville, New York 12582. The Clerk is also instructed to fill out a U.S. Marshals Service Process Receipt and Return form for defendant State of New York, with the address New York State Office of the Attorney General, 28 Liberty Street, New York, New York 10005. Further, the Clerk is instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

2. Although Rule 4(m) generally requires that summonses and the complaint be served within ninety days of the date the complaint is filed, plaintiff is proceeding in forma pauperis and could not have served summonses and the second amended complaint on the new defendants until the Court reviewed the second amended complaint and defense counsel's response to the Valentin order, and directed that summonses are issued for the newly identified defendants. The Court therefore extends the time to serve until ninety days after the date

summons are issued. If the second amended complaint is not served within that time, plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012).

3. The time for all defendants to answer, move, or otherwise respond to the second amended complaint is STAYED pending further Court Order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: July 6, 2023  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge